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EXAMINER

TRAN, QUOC A

ART UNIT PAPER NUMBER

2176

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/912,188	Applicant(s) BAILEY ET AL	
	Examiner Quoc A. Tran	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 and 37-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-36 and 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/07/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 08/08/2005, to the original application filed 07/24/2001, which claims benefit of foreign priority of Japan 2000-295007 filed 09/27/2000.

2. Claims 1-49 are currently pending in this application. Applicant has added new independent claim 49 and withdrawn claims 1-26 and 37-48. Claims 27 and 49 are independent.

### **Response to Arguments**

3. Applicant's arguments directed toward the un-amended claims (i.e. claims 27-36) have been fully considered but they are not persuasive. It is noted, that Jetcha in view of Gever fairly teach and/or suggest the claims' limitations.

4. As for newly added claim 49 have been fully considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

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5. **Claim 49** is rejected under 35 U.S.C. 103(a) as being unpatentable over Barzilai et al.

US006012045A - filed 07/01/1997 (hereinafter Barzilai '045), in view of Hess et al.

US006732161B1 - filed 11/09/1999 (hereinafter Hess '161).

**In regard to independent claim 49, presenting on a computer screen a list of available products and receiving from a user in response thereto a product selection defining a user's selected product** (Barzilai '045 at col. 2, line 20 through col. 3, line 5, discloses the utilization of a computer system, which maintains the electronic bid, auction and sales records, and a plurality of customer computers interconnected with the computer system via a telecommunications link. The computer system electronically establishes a virtual showroom accessible by the customer's computers also includes electronic displays of a plurality of consumer goods and services which are offered for sale),

**retrieving product data from at least one non-executable data file according to the user's product selection** (Barzilai '045 at col. 5, lines 5-55, discloses an electronic display of merchandise includes illustrations of the products and, where appropriate, illustrations of the services. For example, the customer or member may purchase a vacation from the bid, auction and sale provider. This vacation package can be illustrated by photographs, the hotels, restaurants and other facilities from remote image files) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein non-executable data file according to the user's product selection would have been an obvious variant of vacation package can be illustrated by photographs, the hotels, restaurants and other facilities from remote image files), to a person of ordinary skill in the art at the time the invention was made.

Barzilai '045 does not explicitly teach, **presenting on the computer screen a plurality of fields for the user to input product tailoring information, said fields being determined by said product data within said non- executable data file, presenting on the computer screen a preview of the user's selected product, said product being reflective of said product data retrieved from the non-executable data file and said product tailoring information input by the user**, however (Hess '161 at col. 6, line 55 through col. 7, line 40, also see Fig. 6A-6B, discloses html form interface, includes text input fields, wherein seller submitting customize detail information bout the selling product), also Hess '161 at col. 2, lines 5-25, discloses thumbnail images corresponding to items that satisfy the user query are displayed, each of the thumbnail images previously having been created based upon a user-specified image) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein fields being determined by said product data within said non- executable data file would have been an obvious variant of html form (e.g. image from image files) interface, includes text input fields , to a person of ordinary skill in the art at the time the invention was made,

**wherein said non-executable data files are selected from the group consisting of binary files, Java Beans, XML files, and said computer screen displays a world wide web page**, however (Hess '161 at col. 2, lines 5-25, discloses an online trading environment, wherein person-to-person commerce over the Internet is facilitated by providing prospective buyers the ability to quickly preview items for sale. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a

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web page for presentation at a remote site, Hess '161 at col. 4, line 65 through col. 6, line 5, also see Fig. 4 and Fig. 9A-B, discloses a thumbnail server (item 400) and thumb database (item 440 and 445), wherein the image files resided) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein non-executable data files are selected from the group consisting of binary files would have been an obvious variant of Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved (e.g. image files from thumb nail database), to a person of ordinary skill in the art at the time the invention was made,

**said computer screen displaying simultaneously said plurality of fields and said product preview illustrating said product tailored according to the product tailoring information input by the user,** however (Hess '161 at col. 6, line 55 through col. 7, line 40, also see Fig. 6A-6B, discloses html form interface, includes text input fields, wherein seller submitting customize detail information bout the selling product), also Hess '161 at col. 2, lines 5-25, discloses thumbnail images corresponding to items that satisfy the user query are displayed, each of the thumbnail images previously having been created based upon a user-specified image),

**and wherein information within said non-executable data file controls which fields will be presented to the user for tailoring the user's selected product,** however (Hess '161 at col. 6, line 55 through col. 7, line 40, also see Fig. 6A-6B, discloses html form interface, includes text input fields, wherein seller submitting customize detail information bout the selling product), also Hess '161 at col. 2, lines 5-25, discloses thumbnail images corresponding to items that

satisfy the user query are displayed, each of the thumbnail images previously having been created based upon a user-specified image),

**wherein said data file further includes default product tailoring information, said default tailoring information containing default graphics and default text, and wherein said available products include a first group of products, said first group of products all having a common SKU number but different default tailoring information, and a second group of products which may include a member of said first group of products, said second group of products having different SKU numbers,** however (Hess '161 at col. 4, line 65 through col. 10, line 45, also see Fig. 6A-6B and Fig. 8-10, discloses an online auction of sell and/or buy from p2p (person to person) hosting by the auction server (e.g. EBay), wherein seller from remote computer allows to submitting customize detail information bout the selling product that includes a means of utilizing item number, a variety of standard HTML form interface elements, including text input fields, checkboxes, radio buttons, and popup menus, predefine image format, predefine output format, and chose from specific sub-categories from a predefined list format (e.g. jpeg..), also seller can add new item using the same predefine image format, predefine output format (e.g. jpeg..) and selects one of a number of categories (item 625) and chooses the most specific sub-categories from a predefined list in a popup menu. The harvesting process converts the out put to the appropriate format, and scales it to the appropriate size that is appropriate for use with the Gallery presentation mechanism) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein SKU number, default graphics and default text and a common SKU number but different default tailoring information, and a second group of products which may include a member of said first group of products, said

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second group of products having different SKU numbers would have been an obvious variant of item number, a variety of standard HTML form interface elements, including text input fields, checkboxes, radio buttons, and popup menus, predefine image format, predefine output format, and chose from specific sub-categories from a predefined list format (e.g. jpeg..) for current item and add on item using the same predefine format for use with the Gallery presentation mechanism, to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Barzilai '045, presenting on a computer screen a list of available products and receiving from a user in response thereto a product selection defining a user's selected product and retrieving product data from at least one non-executable data file according to the user's product selection, to include a means of presenting on the computer screen a plurality of fields for the user to input product tailoring information, said fields being determined by said product data within said non-executable data file, presenting on the computer screen a preview of the user's selected product, said product being reflective of said product data retrieved from the non-executable data file and said product tailoring information input by the user, wherein said non-executable data files are selected from the group consisting of binary files, Java Beans, XML files, and said computer screen displays a world wide web page, said computer screen displaying simultaneously said plurality of fields and said product preview illustrating said product tailored according to the product tailoring information input by the user and wherein information within said non-executable data file controls which fields will be presented to the user for tailoring the user's selected product and wherein said data file further includes default product tailoring information, said default



tailoring information containing default graphics and default text, and wherein said available products include a first group of products, said first group of products all having a common SKU number but different default tailoring information, and a second group of products which may include a member of said first group of products, said second group of products having different SKU numbers of Hess '161. One of the ordinary skill in the art would have been motivated to modify this combination to provide an improved user interface for online commerce sites. In particular, it would be advantageous to enhance the online trading experience by providing buyers with a mechanism to more quickly preview items for sale. Additionally, the trading experience of sellers may be improved by automating certain aspects associated with item registration (as taught by Hess '161 at col. 1, line 60 through col. 2, line 5).

6. **Claims 27-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jetcha et al. US006631375B2 - filed 12/02/1998 (hereinafter Jetcha '375), in view of Gever et al. US006313835B1 - filed 04/09/1999 (hereinafter Gever '835).

**In regard to independent claim 27**, *"retrieving product data from at least one non-executable data file according to the user's product selection"*, as taught by Jetcha '375 at col. 4, line 65 through col. 5, line 20 (i.e.... The document template 214 may have fixed information, such as logos, images, fonts, and positions of text information, and the logos and images... the user of the second client computer 201 may be queried to submit information for a form having tags corresponding to criteria of the document template 214. For example, the criteria may include the user's first name, last name, phone number, etc. The user types in his or her information corresponding to these criteria. ... which can be modified via a web-browsing

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program as known in the art... The invention is also not limited to any particular document 214... document 214 is a business card; however, other documents amenable to the invention include self-adhesive notes (such as those available from 3M, Inc., as Post-It notes), letterheads, pamphlets, brochures, envelopes, etc...). Examiner reads, document template 214 may have fixed information, such as logos, images, fonts, and positions of text information, and the logos and images, which could be interpreted as claimed *“non-executable data file”*.

*“presenting on the computer screen a plurality of fields for the user to input product tailoring information, said fields being determined by said product data within said non-executable data file”*, as taught by Jetcha ‘375 at col. 9, lines 15-35 (i.e... screen displayed on a display device of a computer in conjunction with one embodiment of the invention are shown. More particularly, the diagrams are screens regarding the filling in of forms to create a document from a document template.... the user is able to enter various phone numbers in fields...),

*“presenting on the computer screen a preview of the user's selected product, said preview being reflective of said product data retrieved from the non-executable data file and said product tailoring information input by the user”*, as taught by Jetcha ‘375 at col. 9, lines 40-50 (i.e... Once the user has entered in this information, button 528 is clicked. This causes display of the screen shown in FIG. 5c, where the document template has been changed to a document 530 indicative of the information entered in by the user...).

Jetcha ‘375 does not teach, *“presenting on a computer screen a list of available products and receiving from a user in response thereto a product selection defining a user's selected product”*, however as taught by Gevers ‘835 at col. 8, lines 5-15 (i.e... The Web site of

server 26 displays a list of categories from which the user may select for inclusion in the Web page. The categories may include, for example, photo albums, advertisements, greeting cards, and resumes....).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gever '835 into Jetcha '375 to provide a way, wherein presenting on a computer screen a list of available products and receiving from a user in response thereto a product selection defining a user's selected product. One of the ordinary skills in the art would have been motivated to perform such a modification to provide users the selected tools for and/or change text inscriptions associated with the greeting cards and preparing Web pages, such as Dreamweaver, produced by Macromedia, are relatively complex, as taught by Gever '835 col. 1, lines 30-45 (i.e... prepare Web pages, such as Dreamweaver, produced by Macromedia, are relatively complex...).

**In regard to dependent claim 28, “data file further includes default product tailoring information”**, as taught by Jetcha '375 at col. 6, lines 1-15 (i.e... includes associating the user with a particular directory on the server computer (e.g....a set of defaults regarding options available to the user within the authoring program (e.g., images and commands...)).

**In regard to dependent claim 29, “default tailoring information contains default graphics”**, as taught by Jetcha '375 at col. 6, lines 1-15 (i.e... includes associating the user with a particular directory on the server computer (e.g....a set of defaults regarding options available to the user within the authoring program (e.g., images and commands...)).

**In regard to dependent claim 30, “default tailoring information contains default text”**, as taught by Jetcha '375 at col. 6, lines 1-30 (i.e... includes associating the user with a

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particular directory on the server computer (e.g.... a set of defaults regarding options available to the user within the authoring program (e.g., fonts, colors, images and commands), and an authorization level... determining which logos and images are to be fixed in any document created therefrom, as well as the font type and sizes, as well as position of allowable text entry...).

**In regard to dependent claim 31**, *“a first group of products, said first group of products all having a common SKU number but different default tailoring information, and a second group of products which may include a member of said first group of products, said second group of products having different SKU numbers”*, as taught by Jetcha ‘375 at col. 6, line 15 through col. 7, line 10 (i.e...the first client then uses the authoring program to create a document template, such as a business card, a letterhead, etc... Once the document template has been created, the first client selects a save command, which uploads the document template to the server, where it is saved, in step 306.... the user of the second client is only able to enter in and change information present as prescribed by the document template...), also as taught by Jetcha ‘375 at col. 5, lines 1-15 (i.e... The document template 214 may have fixed information, such as logos, images, fonts, and positions of text information, and the logos and images....the user of the second client computer 201 may be queried to submit information for a form having tags corresponding to criteria of the document template 214....The user types in his or her information corresponding to these criteria. A search and replace is then performed, replacing the criteria with the information entered by the user. The tags of the form indicate which information is to replace which criteria.... The invention is also not limited to any particular document 214. In one embodiment of the invention, document 214 is a business card; however,

other documents amenable to the invention include self-adhesive notes (such as those available from 3M, Inc., as Post-It notes), letterheads, pamphlets, brochures, envelopes, etc...). Examiner reads, the first client then uses the authoring program to create a document template such as a business card, a letterhead, etc..., which could interpreted as claimed, *"first group of products all having a common SKU number but different default tailoring information"*, SKU is define as, files to represent products within a product line. Such files may be called "project objects," "product object files" or "SKU object files" and contain descriptive product data therein see specification page 6, paragraph [0014].

**In regard to dependent claim 32**, *"non-executable data files are selected from the group consisting of ... XML files."*, as taught by Jetcha '375 at col. 5, lines 10-35 (i.e... document 214 is a business card...invention include self-adhesive notes (such as those available from 3M, Inc., as Post-It notes), letterheads, pamphlets, brochures, envelopes, etc... Other file formats suitable for prepress include XML...). Examiner reads document 214 is a business card, which could interpreted as claimed *"non-executable data files"*.

**In regard to dependent claim 33**, *"computer screen displays a world wide web page"*, as taught by Jetcha '375 at col. 3, lines 25-30 (i.e.... Computer 110 also desirably has at least one web browser application program running with at least one operating environment, to permit users of computer 110 to access intranet or Internet world-wide-web pages...)

**In regard to dependent claims 34-35**, incorporate substantially similar subject matter as cited in claim 27 above, and is similarly rejected along the same rationale.

**In regard to independent claim 36**, is directed to a computer readable media for performing the method of claim 27 and is similarly rejected along the same rationale.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Quoc A. Tran*  
*Patent Examiner*  
*Technology Center 2176*  
*October 22, 2005*

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*10/24/2005*